

Resolution: 15-907
Introduced: February 8, 2005
Adopted: March 1, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advance Taking
CIP Project No. 509943 Muncaster Road Improvements

In accordance with Article III, Section 40A, Maryland Constitution and Section 49-50,
Montgomery County Code 1994, as amended.

Background

- I. The Council has been requested to authorize the condemnation of the portion of land necessary for improvement of Muncaster Road and the reconstruction of the Muncaster Road bridge in accordance with Section 49-50 of the Montgomery County Code 1994, as amended.
1. Muncaster Road is a two lane, S-shaped, arterial road carrying an excess of north-south commuter traffic. The existing bridge shows signs of deterioration due to age and extensive use. The project is needed to maintain and improve public safety. The supporting superstructure of the Muncaster Road bridge over Rock Creek is in an advanced state of deterioration and must be rebuilt or replaced in the near future to remain in service. In addition, the current horizontal alignment of Muncaster Road on either side of the bridge is asymmetrical (non-circular) in shape and has already been the scene of many vehicular accidents. The project will bring the alignment up to modern symmetrical standards and apply the proper amount of super-elevation (banking) to the curve to improve safety.
 2. Construction needs to take place prior to April 2005 in order to minimize the impact to the school transportation system, reduce the hardships to abutting property owners, and meet the commitment to the State of Maryland to have the road reopened by October 2005.
 3. The County has been unable to negotiate an Option Contract with the property owners listed below:

RIGHT OF WAY IN SQUARE FEET

<u>ACCOUNT</u> <u>No.</u>	<u>LIBER</u> <u>FOLIO</u>	<u>PROPERTY</u> <u>OWNERS</u>	<u>FEE</u> <u>SIMPLE</u>	<u>PERPETUAL</u> <u>EASEMENT</u>	<u>REVERTIBLE</u> <u>EASEMENT</u>
1687620	5865/731	Darold S. and Maria S. Patterson	706 sf	0	12,007 sf
2441970	21388/519	Ramamurthi and Chitra Sundar	0	0	374 sf
2780108	11111/151	Stephen and Colleen Joseph	0	0	4,226 sf
2798182		Lawrence J. and Barbara A. Blum	0	0	2,086 sf
708977	19769/347	Granby Farm LLC c/o William Hendry	16,751 sf	0	16,639 sf
1687631	25527/111	Mohamad and Lamis Kayali Sakr	0	0	1,398 sf

4. There is an immediate need to acquire a portion of the properties for rights-of-way for the construction of Muncaster Road and bridge.

Action

- I. The County Council approves the Resolution authorizing the condemnation of land, optional procedure Advance Taking, for the above portion of land needed for the construction of Muncaster Road Improvements and bridge in accordance with Section 49-50 Montgomery County Code 1994, as amended effective upon the following conditions:
1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 2. David N. Lamb, MAI, Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the property.
- II. Montgomery County may take immediate possession of the property described above, upon payment into Court of the fair market value of the property as determined by the County's appraiser. The County reserves the right to abandon this proceeding at any time prior to such payment into Court.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the properties.

This is a correct copy of Council Action:



Elda M. Dodson
Acting Clerk of the Council